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WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES) REGULATION 2014

NOTICE

Tier-2 quarry manager practising certificate maintenance of competence requirements 2020

I, **GARVIN BURNS**, Chief Inspector, with the delegated authority of the Secretary, Regional NSW, pursuant to clause 143 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 (the Regulation) make the following notice.

Dated this 8th day of September 2020.

Garvin Burns
Chief Inspector of Mines
Regional NSW

1. Name of notice

This notice is the *Tier-2 quarry manager practising certificate maintenance of competence requirements 2020*.

2. Commencement

This notice commences on the date it is published in the NSW Government Gazette and has effect until it is revoked.

3. Interpretation

In this notice:

conditions mean the conditions specified at item 4 below in accordance with clause 143 of the Regulation.

formal learning means organised and structured learning with specific learning objectives as referred to Table 2 of Schedule 1 and meets the criteria in schedule 1.

holder means a person who holds a Tier-2 Quarry Manager practising certificate.

informal learning means learning as a by-product of experience in participating or carrying out an activity as referred to in Table 2 of Schedule 1.

learning hours means the number of hours spent undertaking formal, non-formal or informal learning.

quarry manager practising certificate means a certificate issued by the regulator enabling a person to exercise the statutory function of quarry manager as specified in clause 31 of schedule 3 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.

recognised learning types mean the types of learning specified at item 5.

risk profile tool means the assessment tool used by the regulator to assess the hazards and complexity of a mine.

the Regulation means the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.

Tier-2 quarry means a mine determined by the regulator using the risk profile tool to be a tier-2 quarry.

Tier-2 Quarry Manager means a person exercising the statutory function of quarry manager at a Tier-2 quarry by holding a practising certificate issued by the regulator.

Terms used in this notice have the same meaning as in the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2017*, *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

Explanatory note: Holders of practising certificates issued under the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* with a condition restricting them to practise at a mine operator’s mine locations (for mines other than underground mines or coal mines) that are specified on the practising certificate are not required to comply with the requirements in this notice.

4. Conditions

The conditions specified in Schedule 1 below are the conditions which apply to a Tier-2 quarry manager practicing certificate which contains a maintenance of competence condition that requires compliance with requirements published by the regulator in the NSW Government Gazette.

Schedule 1

Maintenance of competence requirements	Holders of a Tier-2 Quarry Manager practising certificate are required to complete 60 hours of recognised learning types over the five-year period for which the certificate is granted, of which a minimum of 40 hours must be formal learning; and up to a maximum of 20 hours may be informal learning, as set out in Table 1 and Table 2.
Areas of competence	<p>The holder of a Tier-2 Quarry Manager practising certificate must complete the specified number of hours of learning in each of the following five areas of competence as set out in Table 1:</p> <ul style="list-style-type: none"> • Mining and work health and safety (WHS) systems, including completion of the following four compulsory subjects: <ul style="list-style-type: none"> ○ Safety management system ○ Principal hazards ○ Principal control plans ○ Specific control measures • Legislation • Emergency management • Leadership and management • General work health and safety topics (including learning from disasters).
Learning hours	<p>When completing learning hours, the holder of a practising certificate must:</p> <ul style="list-style-type: none"> • complete no more than one-third of total learning hours in any one year • complete learning in three or more years out of the five-year period, and • not carry-over excess learning hours above the total number required between renewal periods. <p>Where a holder has a practising certificate for multiple statutory functions, the holder must:</p> <ul style="list-style-type: none"> • satisfy each function with the highest requirements for total hours in each engineering discipline at one class of mine for which they hold a certificate of competence or the gazetted qualifications required to hold a practising certificate for that function.

	<ul style="list-style-type: none"> The holder may claim learning completed against one or more functions, provided the learning completed is relevant to the topics to the areas of competence required for each function. <p>Requirements for the specified number of hours are set out in Table 1.</p>
Record keeping and auditing	<p>The holder of a practising certificate:</p> <ul style="list-style-type: none"> must record all learning and hours in a logbook, either electronically or in hardcopy. must retain evidence of all maintenance of competency scheme activities undertaken during the current five year renewal period and the previous renewal period. must maintain evidence of all maintenance of competency scheme activities until such time as the practising certificate expires. is required to provide a logbooks and evidence to the regulator for auditing purposes when requested.

Table 1: Learning hours in areas of competence for a Tier-2 Quarry Manager practising certificate

Areas of competence	Hours (over five-year period)
Mining and work health and safety (WHS) systems	Minimum of 20 hours
Legislation Emergency management Leadership and management	Minimum of 20 hours
General WHS topics (the holder must complete the regulator's <i>Learning from Disasters</i> one-day program OR a minimum of 7 hours of other formal learning on disasters)	up to a maximum of 20 hours
	Total 60 hours

Recognised learning types

Formal and informal learning types that are recognised learning types and claimable as learning hours towards the maintenance of competency requirements are set out in Table 2.

Formal training courses must satisfy the criteria for types of learning in order to be claimable as learning hours towards maintenance of competency requirements.

Table 2: Recognised types of formal and informal learning

Recognised types of formal learning	Claimable hours for formal learning
Attending industry seminars/ webinars / workshops/ conferences with health and safety content, such as those run by industry or related organisations. These must be relevant to your practising certificate.	<p>Actual hours per seminar/workshop (excluding any hours not relating to safety and health of your statutory function).</p> <p>Rule: this type of learning cannot account for more than half (50%) of the total formal hours required over the five years or of the total</p>

	formal hours you claim to satisfy the total hours required.
Successfully completing formal training courses delivered externally by an organisation.	Actual hours.
Completing study or training towards tertiary qualifications including degrees and industry training qualifications that are prerequisites for NSW certificates of competence examinations.	Rule: this type of learning cannot account for more than half (50%) of the total formal hours required over the five years or of the total formal hours you claim to satisfy the total hours required.
Attending in-house formal training courses conducted within an organisation. Note: excludes meeting time for non-training content.	Actual hours. Rule: this type of learning cannot account for more than half (50%) of the total formal learning hours required over the five years or of the total formal hours you claim to satisfy the total hours required.
Attending equipment manufacturer's formal training courses.	Actual hours up to a maximum of four hours per year.
Attending Mines Rescue Brigades person formal training courses or similar.	Actual hours up to a maximum of four hours per year.
Recognised types of informal learning	Claimable hours for informal learning
Reading publications such as (but not limited to): <ul style="list-style-type: none"> • technical articles • technical publications • conference papers • presentations 	Actual hours up to a maximum of four hours per year.
Relevant field trips to maintain competency for your statutory function, e.g. visiting other mines to see alternative mining methods.	Actual hours up to a maximum of two hours per field trip. Up to a maximum of two field trips (four hours total) per year.
Delivering, or participating in, workplace mentoring related to health and safety topics that is recorded in training records for the worker(s) involved or reports.	Actual hours up to a maximum of four hours per year.
Participation in emergency response exercises or drills.	Actual hours up to a maximum of four hours per year.
Organised meetings / sessions between mines/mine operators to share learnings, e.g. incidents.	Actual hours up to a maximum of four hours per year for participating in or delivering.
Attending industry expos, relevant to health and safety for the maintenance of competence.	Actual hours up to a maximum of four hours per year.
Mines Rescue Brigades person exercises.	Actual hours up to a maximum of four hours per year.
Participation in high level risk assessments (does not include day to day activities)	Actual hours up to a maximum of four hours per year.

involving task focused risk assessment such as Take 5).	
Development or review of principal mining hazard management plans, or principal control plans.	Actual hours up to a maximum of four hours per year.
Participation in conducting reportable incident investigation/s.	Actual hours up to a maximum of four hours per year.
Attending industry representative meetings, such as (but not limited to): <ul style="list-style-type: none"> • advisory groups • industry or specialist boards • panels of examiners membership • technical committees 	Actual hours (excluding administration and travel time).
Delivering industry seminars / workshops.	Actual hours per seminar / workshop (excluding travelling time and any other non-related activity).
Delivering in-house formal training courses	Actual hours up to a maximum of four hours per year.
Interactions between regulator staff and individuals for information and education programs. For example: attendance at meetings or information sessions.	Actual hours up to a maximum of four hours per year.

Criteria for types of learning

Formal training courses

In order to be eligible to claim formal learning hours from undertaking a formal training course, the holder must obtain from the training provider evidence that the course meets the following criteria:

- The course content, with or without learning objectives are documented, current and relevant to the holder's statutory function,
- The length of the course, including start and finish times are documented.
- The person(s) delivering or designing the course (including face to face, online or correspondence courses) has appropriate technical and/or educational ability, experience and qualifications relevant to the course.

The above evidence obtained by the holder should be retained in either in the holder's logbook or in separate documentation.

Tertiary qualifications

Tertiary qualifications refer to any post school qualification recognised under the Australian Qualifications Framework (AQF).

If the holder is completing a tertiary qualification, they can claim study from a course that is relevant to WHS and the statutory function(s) on their practising certificate, such as:

- face to face, electronic or other form of direct interaction between the holder and the training institution
- completing required assessments either individually or as a group that involve studying and application of learning
- required reading of information or attending field excursions for the qualification.

Pursuant to section 136 of the *Mining Act 1992* and section 16 of the *Petroleum (Onshore) Act 1991*

NOTICE is given that the following application has been withdrawn:

MINING LEASE APPLICATION

(T11-0252)

Sydney No. 3, FEARNDALE HOLDINGS PTY LTD (ACN 123 361 973), Parish of Bringelly, County of Cumberland, (9030-3-N, 9030-3-S). Withdrawal took effect on 9 September 2020.

NOTICE is given that the following applications for renewal have been received:

(TMS-2020-369)

Exploration Licence No. 8648, RELENTLESS RESOURCES LIMITED (ACN 160 863 892), area of 48 units. Application for renewal received 8 September 2020.

(TMS-2020-284)

Mining Lease No. 1471 (Act 1992), WHITEHAVEN COAL MINING LIMITED (ACN 086 426 253), area of 385.4 hectares. Application for renewal received 4 September 2020.

RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authorities have been renewed:

(EF19/29369)

Exploration Licence No. 6363, VARISCAN MINES LIMITED (ACN 003 254 395) AND EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), County of Menindee, Map Sheet (7133), area of 5 units, for a further term until 5 January 2022. Renewal effective on and from 31 August 2020.

(TMS-REN76)

Exploration Licence No. 6381, IRONBARK ZINC LIMITED (ACN 118 751 027) AND NSW BASE METALS PTY LTD (ACN 126 507 140), Counties of Beresford and Murray, Map Sheet (8726), area of 22 units, for a further term until 22 February 2022. Renewal effective on and from 1 September 2020.

(TMS-REN87)

Exploration Licence No. 8525, GILMORE METALS PTY LTD (ACN 617 943 227), County of Kennedy, Map Sheet (8333), area of 32 units, for a further term until 6 March 2023. Renewal effective on and from 10 August 2020.

(TMS)

Exploration Licence No. 8557, ARDEA EXPLORATION PTY LTD (ACN 137 889 279), Counties of Cooper and Dowling, Map Sheet (8130, 8230), area of 95 units, for a further term until 5 May 2023. Renewal effective on and from 10 August 2020.

(TMS-REN93)

Exploration Licence No. 8727, COBALT MAGNETIC PTY. LTD. (ACN 622 880 611), Counties of Bland and Harden, Map Sheet (8528), area of 50 units, for a further term until 29 March 2023. Renewal effective on and from 10 August 2020.

REQUESTED CANCELLATIONS

(TMS-CAN33)

Exploration Licence No. 8812 (Act 1992), FMG RESOURCES PTY LTD (ACN 095 546 428), County of Ashburnham, Map Sheet (8631), area of 97 units. Request for cancellation was received on 1 September 2020.

CANCELLATIONS

Notice is given that the following authority has been cancelled:

(TMS-CAN30)

Exploration Licence No. 8870, AUSTRALIAN MINES LIMITED (ACN 073 914 191), County of Yancowinna, Map Sheet (7133), area of 2 units. Cancellation took effect on 1 September 2020.

PART CANCELLATION REQUESTS RECEIVED

Notice is given that the following applications for part cancellation have been received:

(TMS-PCN17)

FMG RESOURCES PTY LTD (ACN 095 546 428) has applied for approval to part cancel Exploration Licence No. 8885. Application received 1 September 2020.
